

PATENT  
ATTORNEY'S CERT NO: 09010/035001

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled HIGH THROUGHPUT SCREENING FOR NOVEL ENZYMES, the specification of which

☐ is attached hereto.  
☒ was filed on June 16, 1998 as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under  
PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. SERIAL NO.	FILING DATE	STATUS
<u>08/876,276</u>	<u>6/16/97</u>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Lisa A. Haile, Reg. No. 38,347; John W. Freeman, Reg. No. 29,066; Scott C. Harris, Reg. No. 32,030; John Land, Reg. No. 29,554; Hans R. Troesch, Reg. No. 36,950; John R. Wetherell, Jr., Reg. No. 31,678.

Address all telephone calls to Lisa A. Haile, Ph.D. at telephone number 619/678-5070.

Address all correspondence to Lisa A. Haile, Ph.D., Fish & Richardson P.C., 4225 Executive Square, Suite 1400, La Jolla, CA 92037.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Jay M. Short

Inventor's Signature: \_\_\_\_\_

Date: 9/24/98

Residence Address: 320 Delage Drive, Encinitas, CA 92024

Citizen of: USA

Post Office Address: 320 Delage Drive, Encinitas, CA 92024

08/29/90 11:00 FAX  
COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED

Full Name of Inventor: Martin Keller

Inventor's Signature: Martin Keller

Date: 9/28/98

Residence Address: 13609 Freeport Road, San Diego, CA 92129

Citizen of: Germany

Post Office Address: 13609 Freeport Road, San Diego, CA 92129

0956778-081107

Applicant or Patentee: Short et al.

Serial or Patent No.:

Filed or Issued: 6/16/98

For: HIGH THROUGHPUT SCREENING FOR NOVEL ENZYMES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Diversa CorporationAddress of Small Business Concern: 10665 Sorrento Valley Road, San Diego, CA 92121

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled HIGH THROUGHPUT SCREENING FOR NOVEL ENZYMES by inventor(s) Jay Short and Martin Keller described in

- ☐ the specification filed herewith.  
☒ application serial no. \_\_\_\_\_, filed 6/16/98.  
☐ patent no., issued.

☐ the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: Diversa CorporationAddress: 10665 Sorrento Valley Road, San Diego, CA 92121

☐ INDIVIDUAL    ☒ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name: Jay M. ShortTitle: President & Chief Technology OfficerAddress: Diversa Corporation, 10665 Sorrento Valley Road, San Diego, CA 92121Signature:  Date: 9/14/98